

FREEDOM IN THE WORLD 2020

Haiti

PARTLY FREE

38
/100

<u>Political Rights</u>	16 /40
<u>Civil Liberties</u>	22 /60

LAST YEAR'S SCORE & STATUS

41 /100**Partly Free**

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



Overview

As a result of political instability, street protests and rampant gang violence, the Haitian government struggles to meet the most basic needs of its citizens. The criminal justice system lacks the resources, independence, and integrity to uphold due process and ensure physical security for the population. Antigovernment protests often result in excessive use of force by police.

Key Developments in 2019

- Major antigovernment protests took place through much of the year, with demonstrators calling for President Jovenel Moïse's resignation over allegations of corruption and the country's dire economic circumstances. The use of road blockades, incidents of looting, and clashes with police were common occurrences during the protests; by the time they waned in December, over 80 people were killed and over 200 were injured.
- President Moïse was directly implicated in an ongoing corruption scandal in May, when government auditors alleged that he participated in the embezzlement of millions of dollars from a road rehabilitation project before taking office. The president denied the allegations, which sparked continued demonstrations in June.
- Legislative and mayoral elections due in October were indefinitely postponed after Parliament failed to pass an elections law, with the legislature's mandate due to expire in early 2020.
- Moïse's prime ministerial nominees went unapproved by Parliament after Jean-Henry Céant was dismissed through a no-confidence vote in March. Moïse's first nominee resigned in July, while his second nominee remained as a de facto caretaker at year's end.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

2/4

In Haiti's semipresidential system, the president is directly elected for a five-year term. The prime minister is appointed by the president and confirmed by Parliament.

Jovenel Moïse of the Haitian Tet Kale Party (PHTK), the handpicked successor of Michel Martelly, won the 2015 presidential election, but the contest was nullified due to extensive fraud. Moïse went on to win a repeat election in 2016, taking 55.6 percent of the vote. He was inaugurated in early 2017 after an electoral tribunal verified the election result, citing irregularities but no evidence of widespread fraud. Civil society groups claimed that fraud in the vote tally, inconsistent voter registration lists, voter disenfranchisement, and a low voter turnout of 21 percent undermined the new president's mandate.

Parliament removed Prime Minister Céant through a no-confidence vote in March 2019; Céant replaced Jack Guy Lafontant in 2018 after his attempt to cut fuel subsidies in line with an International Monetary Fund (IMF) agreement triggered violent protests. President Moïse appointed culture minister Jean-Michel Lapin as prime minister later in March, but Lapin was not confirmed by Parliament and resigned in July. Moïse then appointed Fritz-William Michel, a former finance ministry official, to succeed Lapin; Michel, who also lacked parliamentary confirmation, remained as a de facto caretaker at year's end.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

1/4

The directly elected, bicameral Parliament is composed of a Senate, with 30 members who serve six-year terms, and a Chamber of Deputies, with 119 members who serve four-year terms. The 2015 legislative elections were plagued by disorder, fraud, and violence. Despite concerns about the elections' credibility, 92 lawmakers took office in

early 2016. Elections for a portion of the Senate and the runoff elections for the remaining seats in the Chamber of Deputies were held in 2016 along with the repeat presidential election, and the contests were marred by low voter turnout and fraud. The PHTK emerged as the largest single party in both chambers, followed by Vérité (Truth), though most of the seats were divided among a large number of smaller parties.

Elections for the Chamber of Deputies, a portion of the Senate, and local mayoralities were due in October 2019, but were indefinitely postponed after Parliament failed to pass an elections law. Parliament’s mandate was due to expire in early 2020.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	2/4
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The Provisional Electoral Council (CEP) was established in the late 1980s as a temporary body, but it continues to be responsible for managing the electoral process. Although the constitution has provisions to prevent executive dominance of the CEP, the executive branch asserts significant control over it in practice. Legislative elections were not held from 2011 until 2015 because a number of electoral councils appointed by former president Martelly did not meet constitutional requirements or receive parliamentary approval; critics claimed that CEP members would have been beholden to Martelly. New council members were appointed in 2015 in a manner closer to the constitutional provisions. Despite discussions about establishing a permanent electoral council, the CEP began planning the 2019 elections in 2018, but those contests were later postponed.

B. Political Pluralism and Participation

B1 0-4 pts

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Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

2/4

Legal and administrative barriers that prevented some parties from registering or running in past elections have largely been eliminated. The number of members required to form a political party was reduced from 500 to 20 in 2014, leading to the creation of dozens of new parties. However, the risk of violence continues to impair normal political activity. Opposition party leaders are sometimes threatened, and protests organized by opposition parties are regularly met with repressive force by the government.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

1/4

Haiti has a poor record of peaceful democratic transfers of power. It remains difficult for the opposition to increase its support or gain power through elections, which are regularly disrupted by violence, marred by accusations of fraud, and postponed. The PHTK has consolidated power in the legislature and at the local level, in part through alliances with smaller parties.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

2/4

Haitians' political choices are free from explicit domination by the military and other forces outside the political system. However, many politicians rely on money linked to drug trafficking, gangs, and other illegal sources of funding to finance their campaigns, which has a considerable influence over political outcomes in the country.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

2/4

Haitian women are underrepresented in political life, with only four out of 149 parliamentary seats held by women since 2017. The constitution mandates that 30 percent of public officials should be women, but the government lacks penalties for noncompliance. Election-related violence, along with social and cultural constraints, discourages women from participating in politics. Due to societal discrimination, the interests of LGBT+ people are not represented in the political system.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

1/4

The legitimacy of Haiti's executive and legislative officials is undermined by the many problems surrounding their election. Corruption, instability, and security threats hinder the government from carrying out its own policies and providing basic services across the country. The government was also largely unable to determine or enact policy due to the president's inability to secure the confirmation of a new prime minister after Jean-Henry Céant's March 2019 dismissal.

Score Change: The score declined from 2 to 1 because Parliament did not confirm President Moïse's nominees for prime minister, resulting in a stalemate that prevented action on important matters through much of the year.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Corruption is widespread in Haiti, as are allegations of impunity for government officials. A 2017 law reduced the independence and powers of the Central Financial Intelligence Unit (UCREF), which was responsible for investigating money-laundering cases. That same year, Moïse replaced the heads of the Anticorruption Unit (ULCC) and the UCREF with political allies and former members of the Martelly administration; both units had been investigating Moïse for potential money laundering.

Despite these circumstances, Senate commissions have been investigating acts of corruption involving a low-interest loan program operated by Venezuela since 2017. In a May 2019 report to the Senate, the Superior Court of Auditors and Administrative Disputes (CSCCA) alleged that Moïse embezzled millions of dollars from a road rehabilitation project funded by the program in 2016, before he took office; the president denied the allegations. In early June, days after the report was submitted, armed assailants attacked two CSCCA auditors and tried to remove them from their car as they traveled to National Airport Authority (AAN) offices on official business. Several other CSCCA members received physical threats and fled Haiti later that month.

C3 0-4 pts

Does the government operate with openness and transparency?	2 / 4
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Haitians’ general distrust of the government stems in large part from the absence of transparency and accountability measures that are needed to reduce corruption. There are no laws providing the public with access to state information, and it is reportedly very difficult to obtain government documents and data in practice. All government officials must file financial disclosure forms within 90 days of taking office and within 90 days of leaving office, though these requirements are not well enforced, and the reports are not made public.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	2/4
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The constitution includes protections for press freedom, and the media sector is pluralistic, but the work of journalists is constrained by threats and violence, government interference and a lack of financial resources.

According to the Committee to Protect Journalists (CPJ), one journalist was killed in retaliation for their work in Haiti in 2019. In October, Radio Panic FM and Radio Méga reporter Néhémie Joseph was found dead in the city of Mirebalais; Joseph, who criticized the government in social media posts, accused former mayor Élionel Casséus and Senator Rony Célestin, both members of the ruling PHTK, of threatening his life the month before. In November, the CPJ reported on allegations that security officials may have been involved in his death. Radio journalist Pétion Rospide was previously shot to death in Port-au-Prince in June, but the motive for his murder remained unclear at year's end.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	3/4
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Freedom of religion is constitutionally guaranteed, and religious groups generally practice freely. However, the traditionally dominant Roman Catholic and Protestant churches receive certain privileges from the state, practitioners of the Vodou religion face social stigma, and the government has denied registration to the small Muslim community.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

Educational institutions and academics choose their curriculum freely, but university associations and student groups that protest government actions are often met with police violence.

Primary and secondary schools, along with universities, were closed between September and December 2019 as antigovernment protests, road blockades, and fuel shortages affected the country. The UN reported that as many as two million students were unable to attend school during this period.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3/4

There are few significant constraints on freedom of private discussion. The government does not engage in widespread surveillance, nor is it known to illegally monitor private online communications. However, the penal code includes defamation-related offenses, and the risk of violent reprisals may also serve as a deterrent to unfettered discussion of sensitive issues such as corruption, gangs and organized crime.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

1/4

The constitution enshrines freedom of assembly, but this right is often violated in practice by police forces that use excessive force to disperse protesters. Despite this, antigovernment protests and marches took place through much of 2019, with participants calling for Moïse's resignation over corruption allegations and the country's dire economic prospects.

The first major protests of 2019 took place in February, with demonstrators marching through major cities after the government declared a state of economic emergency. Later that month, police in Port-au-Prince clashed with demonstrators carrying the casket of a man killed by unknown assailants in an earlier protest, using tear gas and rubber bullets to disperse the crowd. In June, demonstrators again marched through Haitian cities, days after the release of a CSCCA report that tied President Moïse to acts of corruption. Another wave of protests began in late September after opposition parties rejected Moïse's call to form a unity government; nationwide demonstrations and clashes with police continued until early December, when the unrest waned.

Many of the year's protests were marred by violence; fires, incidents of looting, and road blockades were commonly reported. Government forces also were excessive in their response, with nongovernmental organization (NGO) Amnesty International reporting that police indiscriminately used nonlethal and lethal weapons to disperse crowds, including tear gas, rubber bullets, and live ammunition. By the end of the year, over 80 people were killed and at least 200 were injured as a result of the unrest.

Score Change: The score declined from 2 to 1 because of the prevalence of violence, including incidents of excessive force at the hands of police, during antigovernment protests that took place through much of the year.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

1 / 4

Human rights defenders and activists with NGOs that address sensitive topics are subject to threats and violence, which creates a climate of fear. Violence against activists is rarely investigated or prosecuted. Jeudy Charlot, founder of LGBT+

advocacy group Kouraj (Courage), died under suspicious circumstances in November 2019. An investigation into his death was underway at year's end, after the family made an appeal to the country's chief prosecutor.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	1/4
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Workers' right to unionize is protected under the law, and strikes are not uncommon, though the union movement in Haiti is weak and lacks collective bargaining power in practice. Most citizens are informally employed. Workers who engage in union activity frequently face harassment, suspension, termination, and other repercussions from employers.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	1/4
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Despite constitutional guarantees of independence, the judiciary is susceptible to pressure from the executive and legislative branches. A lack of resources has contributed to bribery throughout the judicial system, and weak oversight means that most corrupt officials are not held accountable. When Moïse's government took power, all 18 chief prosecutors in the judicial jurisdictions were replaced; this opened new avenues for executive interference in the judiciary, since prosecutors can determine which cases end up before a judge. Moïse complained in 2017 that he felt forced to nominate corrupt judges based on lists submitted by the judicial council, which is tasked with vetting judges.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	
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Constitutionally protected due process rights are regularly violated in practice. Arbitrary arrest is common, as are extortion attempts by police. Most suspects do not have legal representation, and those who do suffer from long delays and case mismanagement. Three-quarters of the inmate population is in pretrial detention due to a large backlog of cases and resource constraints, with even higher figures in the capital. Many lack legal representation and have never appeared before a judge despite the legal requirement of a court hearing within 48 hours of arrest.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

1/4

A culture of impunity in law enforcement leaves civilians in Haiti with little protection from the illegitimate use of force. Crime statistics are difficult to authenticate, and crimes are underreported. Police are regularly accused of abusing suspects and detainees. Conditions in Haiti's prisons, which are among the world's most overcrowded, are extremely poor. Criminal groups also exert considerable influence, operating with relative impunity as they fight for territory and extort residents living in areas under their control. Politicians from the ruling PHTK and opposition groups have also hired gangs to either incite or halt residents' involvement in protests, according to local human rights activists.

In 2018, at least 59 people were killed, 7 were sexually assaulted, and 150 houses were burned in the La Saline neighborhood of Port-au-Prince. Some accounts characterized the episode as part of a conflict between rival criminal groups, but human rights researchers cited allegations of police involvement, and critics accused the government of organizing the massacre to suppress anticorruption protests. A May 2019 police report implicated Joseph Pierre Richard Duplan, a presidential delegate for an area including Port-au-Prince, and interior ministry official Fednel Monchéry in organizing the incident, and Moïse dismissed them in September.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

1 / 4

Discrimination against women, the LGBT+ community, and people with disabilities is pervasive. Among other problems, women face bias in employment and disparities in access to financial services.

Harassment and discrimination on the basis of sexual orientation occur regularly, and neither is prohibited by law. In 2017, the Senate passed two anti-LGBT+ bills that would limit access to employment and explicitly ban same-sex marriage; the bills remained under consideration in the Chamber of Deputies at the end of 2019.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

1 / 4

The government generally does not restrict travel or place limits on the ability to change one's place of employment or education. However, insecurity prevented free movement, particularly in Port-au-Prince, as roads were blockaded for 10 days in February 2019 and for a nine-week period between September and December. In addition, the government's flawed response to natural disasters has prevented many displaced residents from returning to their homes, forcing them to live in poor conditions for extended periods. At year's end, 33,000 people were living in camps for the internally displaced.

Score Change: The score declined from 2 to 1 because of the consistent use of semipermanent roadblocks through much of the country by protesters and criminal groups, which limited Haitians' freedom of movement.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	2/4
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Although the legal framework protects property rights and private business activity, it is difficult in practice to register property, enforce contracts, and obtain credit. Poor record keeping and corruption contribute to inconsistent enforcement of property rights.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	2/4
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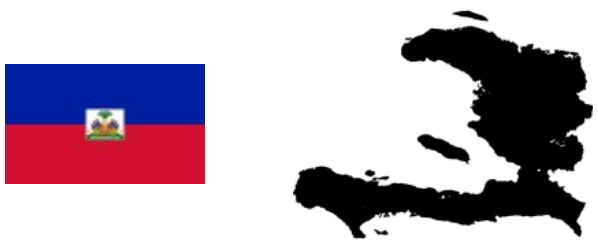
Basic freedoms related to marriage, divorce, and custody are generally respected. However, there are no laws addressing domestic violence, which is a widespread problem. Both domestic violence and rape are underreported and rarely result in successful prosecutions, with justice officials often favoring reconciliation or other forms of settlement.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	0/4
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Socioeconomic mobility is obstructed by entrenched poverty, with low national literacy rates and over 50 percent of Haitians living on less than \$2.40 a day. Legal protections against exploitative working conditions in formal employment are weakly

enforced, and most workers are informally employed. As many as 300,000 children work as domestic servants, often without pay or access to education; they are especially vulnerable to physical or sexual abuse. Other forms of child labor are common.



On Haiti

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Country Facts

Global Freedom Score

37/100 **Partly Free**

Other Years

2021

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